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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,237	12/08/1999	Michael R. Loeb	3203-4015	7462

7590 01/31/2002

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EXAMINER

BROWN, TIMOTHY M

ART UNIT PAPER NUMBER

2165

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/457,237	Applicant(s) LOEB ET AL.	
	Examiner Timothy M. Brown	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-41 have been examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "112" has been used to designate both a secondary merchant server (see page 13, line 1) and a secondary merchant database (see page 11, line 11). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both a secondary merchant and an agent (see page 14, line 19). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 14, 25 and 38 are objected to because of the following informalities: each of the claims fails to end with a period. Appropriate correction is required.
5. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 22 recites "receiving the payment information from the primary merchant." This does not further limit claim 21 which recites "receiving information from the primary merchant sufficient to consummate payment for the item." Applicant is required to cancel the claim(s), or

amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

6. Claim 20 is objected to because of the following informality: transmitting has been misspelled in the third line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the on-line sale" in the second line. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "the customer behaviors" in the second line. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 recites the limitation "the reason code and token" in the second line. There is insufficient antecedent basis for "token" in the claim.
11. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 37 recites the limitation "the token sent by the

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secondary merchant" in the second line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

13. **Claims 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by JERMYN (US 6,026,370).**

Regarding claim 11, Jermyn teaches a transactional method comprising: combining a secondary merchant specified reason code with a token to create a unique identifier for a customer (col. 8, lines 9-30); transmitting the unique identifier to the secondary merchant (col. 8, lines 16-29); populating a customer information schema with customer identifying information (col. 5, lines 22-49); and transmitting the customer schema to the secondary merchant (col. 6, lines 30-39 and 44-49).

Claim 12 is rejected under Jermyn as applied to claim 11 above. Regarding claim 12, Jermyn further teaches indicating to the secondary merchant that at least one of billing and shipping information is available (col. 8, lines 21-29).

14. **Claims 16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by GARDENSWARTZ et al. (US 6,055,573).**

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Regarding claim 16, Gardenswartz et al. teach a staged internet commerce method comprising:

in a first stage: a step for processing a transaction with a customer over the internet, (col. 7, lines 11-13; and col. 10, lines 65-67) and a step for securely supplying information to a secondary merchant which will enable the secondary merchant to make a targeted offering over the internet to the customer (col. 7, lines 13-24); and

in a second stage: a step for transferring payment and delivery information for the customer to the secondary merchant upon receipt of a valid token and validator from the secondary merchant (col. 20, lines 9-20).

Regarding claim 19, Gardenswartz et al. teach a method comprising:

defining reason codes, usable by a primary merchant to identify transaction classes (col. 6, lines 54-62; and col. 10, lines 16-17); and

associating offerings with transaction classes such that when a customer consummates a purchase with the primary merchant and provides payment information to the primary merchant, a reason code will be received from the primary merchant and a transaction class related offering will be made to the customer using a template correlated to the reason code (col. 7, lines 11-24).

Claim 20 is rejected under Gardenswartz as applied to claim 19 above.

Regarding claim 20, Gardenswartz further teaches storing the reason codes in a database (col. 7, lines 64-67; and col. 10, lines 3-5); and transmitting a token which identifies the customer to the primary merchant (col. 11, lines 24-25).

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15. Claims 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by BEZOS et al. (US 6,029,141).

Regarding claim 39, Bezos et al. teach a web site linking system comprising: a reason code (col. 7, lines 28-30), a token (col. 8, lines 17-22), a schema defining information to be passed from a first website (col. 7, lines 21-29), and a validator (col. 7, lines 27-28), the token being constructed to indicate a particular customer of the first website (col. 8, lines 17-22), the reason code correlating to a specified parameter to be used when making an offer to the customer indicated by the token (col. 7, lines 28-30), and the validator and the token being constructed to indicate the schema is a valid schema to the first website (col. 7, lines 30-34).

Regarding claim 40, Bezos et al. teach an apparatus comprising:

a unique identifier means including means for identifying a first website to a second website (col. 7, lines 21-34), and means for uniquely identifying a customer of the first website (col. 8, lines 28-31);

temporary storage located at one of the first or second websites for storing at least one of the means for identifying or the means for uniquely identifying (col. 14, lines 38-41); and

an interface connected to one of the first or second websites via the internet through which the unique identifier passes on its way to the other of the first or second web sites (col. 14, lines 1-9)

Regarding claim 41, Bezos teaches a system comprising: a database containing URL s of merchants (Col. 7, lines 21-34), transmittable display templates containing

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items of a secondary merchant for display to a customer of a primary merchant (col. 7, lines 6-20), and an Internet connection (col. 7, lines 6-20), the database correlating reason codes with the URLs and the display templates such that, when a reason code is received from a source and the database is accessed using the reason code as a primary key, the database will identify a display template and a U RL to which the display template will be transmitted (col. 6, lines 59-67; and col. 7, lines 1-30).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 1-10, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of KANTER (US 5,537,314).**

Regarding claim 1, Jermyn teaches a method of linking merchant sites comprising: completing an interaction with a customer (col. 4, lines 36-38 and 62-68; and col. 6, lines 7-16); receiving requested identification information from the customer (col. 5, lines 39-49); and transmitting a reason code related to the interaction to a secondary merchant (col. 5, lines 15-24; and col. 6, lines 7-11, 30-35 and 44-50).

Further regarding claim 1, Jermyn does not explicitly teach receiving an indication that the customer has authorized a transfer of the identification information to the secondary merchant. However, the examiner notes that this step is notoriously well

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known in the art. At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jermyn, to include the notoriously well-known step of receiving an indication that the customer has authorized a transfer of the identification information to the secondary merchant in order to prevent offending customers by the unauthorized transfer of identification information.

Further regarding claim 1, Jermyn also teaches providing the identification information to the secondary merchant (col. 8, lines 9-20).

Claim 2 is rejected under Jermyn as applied to claim 1 above. Regarding claim 2, Jermyn does not explicitly teach transmitting a token to the secondary merchant. However, Kanter teaches this step (col. 1, lines 42-43). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jermyn, to include the step of transmitting a token to the secondary merchant. By adding the step of transmitting a token to the secondary merchant to the teachings of Jermyn, one of ordinary skill in the art would be permitted to submit a customer incentive to the secondary merchant for verification, thereby increasing the likelihood that a customer will enter a transaction with the secondary merchant.

Claim 3 is rejected under Jermyn as applied to claim 1 above. Regarding claim 3, Jermyn does not explicitly teach receiving the token and a validator from the secondary merchant. However, Kanter teaches this step (col. 1, lines 44-50; and col. 26, lines 61-65). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jermyn, to include the step of receiving the token and a validator from the secondary merchant in order to

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communicate to the customer that the token is a valid purchase incentive and thereby encourage the customer to enter the transaction with the secondary merchant.

Claim 4 is rejected under Jermyn as applied to claim1 above. Regarding claim 4, Jermyn further teaches the step of identifying the reason code from among multiple reason codes (col. 5, lines 15-24; and col. 6, lines 44-50).

Claim 5 is rejected under Jermyn as applied to claim1 above. Regarding claim 5, Jermyn further teaches the step of awarding points to the customer related to the on-line sale (col. 4, lines 45-61).

Claim 6 is rejected under Jermyn as applied to claim1 above. Regarding claim 6, Jermyn further teaches identifying the reason code from among multiple reason codes based upon at least one purchased product identifier (col. 5, lines 15-24; and col. 6, lines 44-50).

Claim 7 is rejected under Jermyn as applied to claim1 above. Regarding claim 7, Jermyn further teaches associating the customer behaviors with multiple reason codes (col. 8, lines 42-46).

Claim 8 is rejected under Jermyn as applied to claim1 above. Regarding claim 8, Jermyn further teaches associating multiple reason codes with an incentive program (col. 6, lines 61-68; and col. 7, lines 1-11).

Claim 9 is rejected under Jermyn as applied to claim1 above. Regarding claim 9, Jermyn further teaches associating the reason code with a customer loyalty program reward parameter (col. 7, lines 44-48).

Claim 10 is rejected under Jermyn as applied to claim 1 above. Regarding claim 10, Jermyn further teaches encoding the reason code and token according to a specified scheme (col. 10, lines 42-51).

Regarding claim 35, Jermyn teaches a method comprising: transmitting data containing a reason code, generated by a primary merchant, to a secondary merchant (col. 5, lines 15-24; col. 6, lines 7-11, 30-35 and 44-50); and transmitting a validator, sent by the secondary merchant, to the primary merchant, so that a link is created between the primary merchant and the secondary merchant which allows the secondary merchant to make an offer to a customer of the primary merchant without the secondary merchant being identified to the customer (col. 6, lines 44-49; and col. 8, lines 9-29).

Further regarding claim 35, Jermyn does not explicitly teach transmitting data containing a token, generated by a primary merchant, to a secondary merchant. However, Kanter teaches this step. At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Jermyn, to include the step of transmitting data containing a token, generated by a primary merchant, to a secondary merchant in order enable the secondary merchant to make an offer to the customer based upon the token so transmitted.

Claim 36 is rejected under Jermyn, in view of Kanter as applied to claim 35 above. Regarding claim 36, Jermyn further teaches storing the reason code in a database (col. 6, lines 7-11).

Claim 38 is rejected under Jermyn, in view of Kanter as applied to claim 35 above. Regarding claim 38, the examiner notes that transmitting a XML schema over a communication link is notoriously well known in the art.

18. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of KRSUL et al. (US 5,839,119).

Claim 13 is rejected under Jermyn as applied to claim 11 above. Regarding claim 13, Jermyn further teaches receiving a token from the secondary merchant (col. 8, lines 27-29). Jermyn does not explicitly teach receiving a validator from the secondary merchant. However, Krsul et al. teach this step (col. 2, lines 19-28; and col. 10, lines 21-29). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jermyn, to include the step of receiving a validator from the secondary merchant in order to inform the customer that the token is a valid purchasing incentive upon which the customer may rely upon. The examiner notes that the use of a secure connection in the an Internet commerce transaction is notoriously well known in the art.

Claim 14 is rejected under Jermyn as applied to claim 11 above. Regarding claim 14, Jermyn does not explicitly teach specifying a display style to the secondary merchant. However, this step is notoriously well known in the art. At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the step of specifying a display style to the secondary merchant. Jermyn provides that the purchasing incentives provided to customers are ideally presented in the context of a theme (see col. 8, lines 1-8). Jermyn further teaches that promotional

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materials may be submitted by the secondary merchant (see col. 8, lines 18-20). Thus, one of ordinary skill in the art would have been motivated to suggest a display style to the secondary merchant so that any promotional materials submitted by the secondary merchant, would match the theme that is being presented to customers by the primary merchant.

Regarding claim 15, Jermyn teaches a reward method comprising: establishing a reason code representing an award level based upon an on-line customer behavior (col. 7, lines 41-51); identifying a customer satisfying the on-line customer behavior (col. 7, lines 21-41); passing the reason code to a reward redemption entity (col. 8, lines 1-29); and receiving a token from the reward redemption entity (col. 8, lines 27-29).

Further regarding claim 15, Jermyn does not explicitly teach receiving a validator from the reward redemption entity via the Internet. However, Krsul et al. teach this step (col. 5, lines 1-3). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jermyn, to include the step of receiving a validator from the reward redemption entity via the Internet in order to electronically communicate the validity of the token.

Further regarding claim 15, Jermyn also teaches providing customer specific information to the reward redemption entity when the token and validator are both valid (col. 8, lines 18-29).

19. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over GARDENSWARTZ et al. (US 6,055,573) in view of JERMYN (US 6,026,370).

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Gardenswartz et al. teach a linked merchant transaction method comprising: receiving a reason code from a primary merchant for a customer in response to a transaction between the primary merchant and the customer (col. 6, lines 54-62); providing an offering to the customer based upon the reason code (col. 7, lines 11-24); and receiving an acceptance from the customer (col. 20, lines 9-10).

Gardenswartz et al. do not explicitly teach in response to the acceptance, receiving customer identifying information from the primary merchant. However, Jermyn teaches this step (col. 8, lines 19-24). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Gardenswartz et al., to include the step of receiving customer identifying information from the primary merchant in order to allow a third party to submit a targeted offer to the identified customer.

20. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over GARDENSWARTZ et al. (US 6,055,573) in view of JERMYN (US 6,026,370) as applied to claim 17 above, and further in view of KANTER (US 5,537,314).

Neither Gardenswartz et al. nor Jermyn explicitly teach the steps of receiving a token with the reason code and re-transmitting the token to the primary merchant. However, Kanter teaches these steps (col. 1, lines 42-50; and col. 26, lines 61-65). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Gardenswartz et al. and Jermyn, to include the steps of receiving a token with the reason code and re-transmitting the token to the primary merchant as taught by Kanter. Adding the step of receiving a token with a

reason code would simultaneously identify the primary transaction and suggest an incentive scheme to a third party. Re-transmitting the token to the primary merchant would be similarly beneficial in that it would permit a third party to inform the primary merchant that the incentive scheme was acceptable thereby enabling the primary merchant to make an offer based upon the re-transmitted token.

21. Claims 21-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over GARDENSWARTZ et al. (US 6,055,573) in view of FRANKLIN et al. (US 6,125,352).

Regarding claims 21 and 22, Gardenswartz et al. teach a targeted marketing method comprising: making an on-line offering to a customer of a primary merchant who has completed a transaction fitting a subject matter and provided payment information based upon a reason code provided by the primary merchant indicative of the subject matter for the transaction (col. 7, lines 11-24); and when the customer indicates an acceptance of an item in the offering, sending a token to the primary merchant (col. 11, lines 24-25).

Further regarding claims 21 and 22, Gardenswartz et al. do not explicitly teach responsive to the sending, receiving information from the primary merchant sufficient to consummate payment for the item. However, Franklin et al. teach this step (col. 28, lines 22-32). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Gardenswartz et al., to include the step of responsive to the sending, receiving information from the primary merchant sufficient to consummate payment for the item as the addition of this step would permit

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a third party to complete a transaction with the customer without burdening the customer for further payment information.

Claim 23 is rejected under Gardenswartz et al. in view of Franklin et al. as applied to claim 22 above. Further regarding claim 22, neither Gardenswartz et al. nor Franklin et al. teach the step of establishing a secure connection to the primary merchant. However, the examiner notes that this step is notoriously well known in the art.

Claim 24 is rejected under Gardenswartz et al. in view of Franklin et al. as applied to claim 22 above. Further regarding claim 24, Gardenswartz et al. do not explicitly teach the method of claim 22 wherein the receiving occurs without any further provision by the customer. However, Franklin et al. teach this step (col. 28, lines 22-32). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Gardenswartz et al., to include a method wherein the receiving step occurs without any further provision by the customer because the addition of this step would limit the burden placed on the customer and thereby facilitate the on-line ordering process.

Claim 25 is rejected under Gardenswartz et al. in view of Franklin et al. as applied to claim 22 above. Further regarding claim 25, Gardenswartz et al. also teach receiving a unique identifier for the transaction (col. 5, lines 44-45; and col. 12, lines 65-67).

Claim 26 is rejected under Gardenswartz et al. in view of Franklin et al. as applied to claim 25 above. Further regarding claim 26, Gardenswartz et al. also teach

extracting from the unique identifier the reason code and a customer indicator (col. 8, lines 1-5 and lines 32-56).

Claim 29 is rejected under Gardenswartz et al. in view of Franklin et al. as applied to claim 21 above. Further regarding claim 29, Gardenswartz et al. also teach displaying the offering according to a display style associated with the reason code (col. 7, lines 11-24).

22. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over GARDENSWARTZ et al. (US 6,055,573) in view of FRANKLIN et al. (US 6,125,352) as applied to claim 21 above, and further in view of KRSUL et al. (5,839,119).

Neither Gardenswartz et al. nor Franklin et al. teach providing a validator to the primary merchant. However, Krsul et al. teach this step (col. 10, lines 26-30). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Gardenswartz et al. and Franklin et al., to include the step of providing a validator to the primary merchant as the addition of this step would indicate that the token received by the primary merchant is redeemable.

23. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of FRANKLIN et al. (US 6,125,352).

Jermyn teaches a method comprising: completing a purchase transaction with a first merchant, including providing a credit card number and billing information to the first merchant (col. 4, lines 36-38 and 62-68; and col. 6, lines 7-16); and viewing an offer made by a second merchant related to the purchase transaction, based upon a specified reason code supplied to the second merchant by the first merchant and

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displayed in a style indicative of the first merchant, the offer including selectable items (col. 8, lines 9-29).

Jermyn does not explicitly teach selecting an item which initiates a transfer of the credit card number and billing information provided for the transaction from the first merchant to the second merchant. However, Franklin et al. teach this step (col. 28, lines 22-32). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to combine the teachings of Jermyn, to include the step of selecting an item which initiates a transfer of the credit card number and billing information provided for the transaction from the first merchant to the second merchant because the addition of this step would eliminate the need for the customer to provide payment information. Thus, the elimination of further customer input facilitates the subsequent transaction.

24. Claims 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of Angles et al. (US 5,933,811) and further in view of FRANKLIN et al. (US 6,125,352).

Regarding claim 31, Jermyn teaches a method of targeting offers based upon interactions between customers and merchants comprising: receiving a reason code and a customer identifier from a merchant indicating that a customer has completed a n interaction with the merchant within a specified classification (col. 5, lines 15-24; col. 6, lines 7-11, 30-35 and 44-50).

Further regarding claim 31, Jermyn does not explicitly teach displaying an offer, to the customer graphically on-line, according to data associated with the reason code

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while the customer is still connected to the merchant. However, Angles et al. teach this limitation (col. 5, lines 30-32). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Jermyn, to include the step of displaying an offer, to the customer graphically on-line, according to data associated with the reason code while the customer is still connected to the merchant because this would communicate a targeted offer to the customer while the customer is shopping for items related to the targeted offer. Thus, a targeted offer would reach the customer at a moment when it is known that the customer is in need of the targeted item.

Further regarding claim 31, Jermyn does not explicitly teach receiving an acceptance of the offer from the customer. However, Angles et al. teach this step (col. 20, lines 2-5). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Jermyn, to include the step of receiving an acceptance of the offer from the customer as the addition of this step would consummate the purchase transaction.

Further regarding claim 31, the examiner notes that while neither Jermyn nor Angles et al. explicitly teach establishing a secure communication connection with the merchant, this step is notoriously well known in the art. Jermyn does however teach sending the customer identifier to the merchant (col. 5, lines 16-29).

Further regarding claim 31, neither Jermyn nor Angles et al. teach receiving customer payment information from the merchant. However, Franklin et al. teach this step (col. 28, lines 22-32). At the time of the applicant's invention, it would have been

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obvious to one of ordinary skill in the art, to modify the teachings of Jermyn and Angles et al., to include the step of receiving customer payment information from the merchant because this addition would eliminate the need for the customer to provide payment information and thereby facilitate the transaction.

Further regarding claim 31, neither Jermyn, Angles et al. nor Franklin et al. teach processing the acceptance using the customer payment information. However, the examiner notes that this step is notoriously well known in the art.

Claim 34 is rejected under Jermyn, Angles et al. and Franklin et al. as applied to claim 32 above. Regarding claim 34, Jermyn further teaches receiving prioritization information from the merchant for a compound purchase and assembling offer components according to the prioritization information (col. 5, lines 15-24; and col. 8, lines 9-29).

25. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of Angles et al. (US 5,933,811) and FRANKLIN et al. (US 6,125,352) as applied to claim 31 above, and further in view of BOE et al. (US 6,236,975).

Neither Jermyn, Angles et al. nor Franklin et al. teach decoding a data item to obtain the reason code and customer identifier. However, Boe et al. teach this step. At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Jermyn, Angles et al. and Franklin et al., to include the step of decoding a data item to obtain the reason code and customer identifier. The addition of this step to the teachings of Jermyn, Angles et al. and Franklin et al. would

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allow the merchant to transmit the customer's information in an encrypted form thereby protecting the customer's information from unauthorized access.

26. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of Angles et al. (US 5,933,811) and FRANKLIN et al. (US 6,125,352) as applied to claim 31 above, and further in view of Povilus (US 5,740,425).

Neither Jermyn, Angles et al. nor Franklin et al. teach receiving SKU information from the merchant and assembling the offer based upon the SKU information. However, Povilus teaches this step (col. 12, lines 44-52). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Jermyn, Angles et al. and Franklin et al., to include the step of receiving SKU information from the merchant and assembling the offer based upon the SKU information because SKU information would provide a universal reason code by which a merchant could communicate purchasing information to any third party without having to establish a predetermined reason code.

27. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over JERMYN (US 6,026,370) in view of KANTER (US 5,537,314) as applied to claim 35 above, and further in view of Bezos (US 6,029,141).

Neither Jermyn nor Kanter explicitly teach transmitting the token sent by the secondary merchant, to the primary merchant. However, Bezos teaches this step (col. 7, lines 46-51; and col. 8, lines 6-16). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Jermyn

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and Kanter, to include the step of transmitting the token sent by the secondary merchant, to the primary merchant. The addition of this step to the teachings of Jermyn and Kanter would allow the secondary merchant to inform the primary merchant that the token received by the secondary merchant would be accepted thereby allowing the primary merchant to offer the token to the customer as an incentive to complete a transaction with the secondary merchant.

Conclusion

28. The following prior art has not been relied upon in this action but is considered pertinent to the applicant's disclosure and is hereby made of record:

- a. MARSH et al. (US 5,848,397) 8 December 1998; teaches presentation of banner and showcase advertisements in context of messaging system (col. 6, lines 63-67; col. 7, lines 1-20).
- b. GUYOT et al. (US 6,119,098) 12 December 2000; teaches a maintaining a database of specifically targeted advertisements destined for receipt by predetermined subscribers (col. 3, lines 49-67); and providing credit to subscribers (col. 6, lines 1-29).
- c. HUMBLE (US 4,949,256) 14 August 1990; teaches a coupon validation network.
- d. KATZ et al. (US 6,055,513) 25 April 2000; teaches a system for generating offers based on user consumers' purchase history (col. 10, lines 46-67).

- e. JONES (US 5,832,458) 3 November 1998; teaches recording and auditing customer transactions for use in a targeted marketing scheme (col. 10; lines 1-18).
- f. SPIEGEL et al. (WO 99/67700) 29 December 1999; teaches associating a user ID with an HTML display (page 13, lines 24-30); and populating a database with customer shipping and billing information (page 6, lines 21-27; and page 18, lines 1-5).
- g. Kerstetter, K. *E-com sharing Solution*, *PC Week*, vol. 16, no. 29 (July 19, 1999) p. 22; teaches sharing customer information among merchants.
- h. Blank, C. *How Important to Retailers is Keeping Data Derived from Loyalty Cards Private – and How Do They Let Consumers Know?*, *Supermarket News*, Vol. 19, (October 19, 1998); teaches sharing customer data among merchants (page 2).
- i. Blatterber, R.C. *Interactive marketing: exploiting the age of addressability*, *Sloan Management Review*, Vol. 33, no. 1 (Fall, 1991) p. 5. teaches customizing advertising and promotions based on a database of customer preferences (page 1, paragraphs 1 and 2).
- j. Sweat, J. *Better links for buyers and sellers over the Internet*, *Informationweek*, no. 761 (November 15, 1999) p. 40.
- k. Smith, A. *Net Worth: Shaping Markets When Customers Make the Rules*, *Journal of Public Policy & Marketing*, Vol. 18, no. 2 (Fall 1999) pp. 275-277.


29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Timothy M. Brown
Examiner
Art Unit 2165

TMB
January 23, 2002


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